

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**TRUSTEES OF THE PAINTERS UNION
DEPOSIT FUND,**

Plaintiff,

v.

**Case No: 05-70110
Honorable Victoria A. Roberts**

**INTERIOR/EXTERIOR SPECIALISTS
COMPANY, ET AL,**

Defendants,

_____ /

ORDER

This matter is before the Court on Defendants' Motion for Permission to Appeal this Court's March 27, 2007 Order denying summary judgment and June 25, 2007 Order denying reconsideration (collectively "Orders") .

A denial of summary judgment is usually considered an interlocutory order, not a final judgment. 28 U.S.C. § 1291; *see also Phelps v. Coy*, 286 F.3d 295, 298 (6th Cir. 2002) (citing *Johnson v. Jones*, 515 U.S. 304, 309 (1995)). Under 28 U.S.C. §1292(b) a district court must grant a party permission to appeal a non-final order if the "order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. §1292(b).

Here, the Court's Orders deny summary judgment to Defendants. They are, therefore, interlocutory and not final appealable orders. And because the Court does not believe they involve controlling questions of law over which there is substantial

difference or that an immediate appeal would advance this litigation, Defendants' motion is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 19, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 19, 2007.

s/Linda Vertriest
Deputy Clerk